



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10278

JUN 21 1988

Jose A. Cepeda Rodriguez, Esquire
Goldman and Antonetti
P.O. Box 13486
Santurce, Puerto Rico 00908

Re: Municipal Dump of Ponce
EPA ID Number: PRD980594709

Dear Mr. Cepeda:

On May 24, 1988, representatives of Browning-Ferris Industries (BFI), the Municipality of Ponce and the Environmental Protection Agency (EPA) met at Region II's office in New York to discuss the Ponce Landfill. This letter summarizes the content of the meeting and what the parties agreed BFI and the Municipality will submit to the EPA and when. If BFI does not agree with the following summary of the May 24 meeting, then BFI must notify us in writing within ten working days of any disagreements it may have. If no correspondence is received within the ten working days, EPA will assume that BFI is in agreement with the content of this letter and any follow-up action described herein.

The first topic of the meeting was the status of the new landfill cells. BFI contends that the new landfill cells (located at the southern boundary and composed of one excavated cell and two planned cells) qualify for protective filing status. The excavated unit is believed to have been constructed after the time when interim status was granted to the co-disposal area. However, it is BFI's responsibility to show that this unit never received hazardous waste. Towards that end, BFI will provide within two weeks, all necessary documentation such as aerial photographs, boring logs, and a certification from the site manager stating that hazardous waste was never disposed in this area. Once the Agency receives and reviews this information, BFI will be notified in writing of its determination.

The second topic of the meeting was the status of the co-disposal area. Because of the extensive documentation from various officials (e.g., Pedro A. Gelabert - Chairman of the Environmental Quality Board (EQB), Hector Reichard de Cardona - Attorney General of Puerto Rico, and James F. LaDue - Vice President of Chemical and Environmental Conservation Systems) stating that the co-disposal area was an existing hazardous waste facility in 1980, and since BFI could not prove otherwise, the co-disposal area must be treated as a regulated unit, subject to closure and post-closure requirements.

The third topic of the meeting was the closure of the co-disposal area. The Hazardous and Solid Waste Amendments of 1984 (HWSA) required all facilities to certify that they were in compliance with all groundwater monitoring and financial requirements described under 40 CFR 265 Subpart H or they would lose interim status. On November 8, 1985, the Ponce facility lost its interim status because the facility failed to certify compliance with existing regulations. As a result of losing interim status, closure and post-closure plans are required and must be implemented. As agreed upon at the meeting, a workplan is needed to comply with these requirements which will address the following issues: overall management, planning, and care of the Ponce co-disposal area; groundwater monitoring; cover design; leachate collection; and soil sampling. As a side comment, all these requirements will have to be addressed by the Municipality of Ponce once Subtitle D (designed for nonhazardous waste) becomes effective. The workplan should also include a proposal for work to be scheduled, implemented and completed (e.g., groundwater monitoring, cover design, leachate collect system soil sampling etc). This workplan is expected to be submitted by July 25, 1988.

If you have any questions regarding the above, please do not hesitate to contact Douglas Pocze, of my staff, at (212) 264-8690.

Sincerely yours,

Stanley Siegel, Chief
Hazardous Waste Facilities Branch

cc: Flor del Valle, EQB
Bruce Lee Jernigan, Browning-Ferris Industries
Rick Good, Browning-Ferris Industries

bcc: Douglas Pocze, 2AWM-HWF
Stephen Knight, 2AWM-HWF ✓
Angel Chang, 2AWM-HWF
John Gorman, 2AWM-HWF
Amy Chester, 2ORC
Laura Livingston, 2PAB